

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TECHNOLOGY INSURANCE COMPANY, INC.,
as reinsurer and successor to Tower Insurance
Company of New York,

Plaintiff,

-against-

PHILADELPHIA INDEMNITY INSURANCE
COMPANY,

Defendant.
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JUDGMENT

Civil Action No.:
1:21-cv-07387

By this Court's Opinion and Order filed on November 23, 2022, granting plaintiff's motion for summary judgment and denying defendant's motion for summary judgment, and Technology having submitted un rebutted evidence that it incurred \$121,278.70 in damages, consisting of an \$88,000 indemnity payment on October 22, 2021, and multiple payments of attorneys' fees and other legal disbursements in the amount of \$33,278.70, with a payment mid-date of February 19, 2020, it is

ORDERED and **ADJUDGED** that Technology's motion for summary judgment is granted, and that PIIC's motion for summary judgment is denied; and it is further

ORDERED, ADJUDGED, DETERMINED, and DECLARED that defendant breached its duty to defend and indemnify Hinde Development LLC in the action captioned *Edwin Ramos v. Hinde Development LLC, et al.*, Index No. 25584/2015e, in the Supreme Court of the State of New York, County of Bronx; and that defendant's duty to defend and indemnify Hinde Development LLC in the aforementioned action is primary to plaintiff's duty to defend and indemnify Hinde Development LLC in the aforementioned action, and it is further

ORDERED and **ADJUDGED** that plaintiff shall have judgment against defendant in the sum of \$121,278.70, plus interest on \$88,000 of that principal amount at 9% per annum from October 22, 2021, in the amount of \$8,744.55, and plus interest on \$33,278.70 of that principal amount at 9% per annum from February 19, 2020, in the amount of \$8,320.59, for a total amount of \$138,343.84.

Dated: New York, New York
November 29, 2022



Lewis J. Liman, U.S.D.J.